

REMARKS

The Office Action mailed April 6, 2005 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

No extension of time is believed to be required based upon the filing of this Amendment prior to the deadline of the three-month statutory period (i.e., July 6, 2005). Authorization is granted to charge counsel's Deposit Account No. 01-2300, referencing **Attorney Docket No. 103203-00006**, for any additional fees necessary for entry of this Amendment.

Claims 1, 3-4, 6, 8 and 10-17 have been amended and claims 2, 18 and 19 have been canceled. Applicants submit that the amendments made herein are fully supported in the Specification and the drawings, as originally filed, and therefore no new matter has been introduced. Accordingly, claims 1, 3-17 and 20 are pending in the present application and are respectfully submitted for reconsideration.

The title of the invention stands objected to for an informality. The title has been amended in response to the Examiner's objection, and it is submitted that the title, as amended, complies with 37 C.F.R. § 1.72(a). The objection is respectfully traversed and reconsideration is requested.

Claims 11 and 16 stand objected to because of informalities. The claims have been amended in response to the Examiner's objection, and it is submitted that the claims, as amended, are in proper condition for examination. The objections are respectfully traversed and reconsideration is requested.

Claims 3-5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 3-5 depend from independent claim 1. Claim 1 has been amended in response to the

Examiner's rejection, and it is submitted that there is sufficient antecedent basis for the limitations in dependent claims 3-5. The rejections are respectfully traversed and reconsideration is requested.

Claims 1-3, 6-7, 10, 14 and 16-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Fredlund et al., patent (U.S. Patent No. 5,815,645). In addition, dependent claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fredlund et al. patent. Dependent claims 2-15 and 18-20 depend from independent claims 1 and 17, respectively. Claims 1, 3-4, 6, 8 and 10-17 have been amended and claims 2, 18 and 19 have been canceled. The rejections are respectfully traversed and reconsideration is requested.

Independent claim 1, as amended, recites an image processing method for image processing by using information indicating characteristics of all or part of a consumer item and a routine thereof, comprising the steps of generating main material module data indicating an attribute of a material to be used as a main material at the time of producing an element, the main material is a material mounted on a space criterion apparatus at the time of producing an element by using a processing apparatus and forms the basis for determining the spatial position of a sub material; generating sub material module data indicating attributes of a material subjected to processing by using the main material as a base; generating processing apparatus module data indicating attributes of a processing apparatus to be used at the time of generating an element by using the main material module and sub material module, the attributes of the processing apparatus include attributes of a space criterion apparatus for fixing the main material in the processing apparatus in a space for assembly and processing; generating processing routine module data indicating a procedure of processing by the processing apparatus by using the main material and the sub material; generating element module data indicating an attribute of the

element using the main material module data, the sub material module data, the processing apparatus module data and the processing routine module data; generating first artifact module data indicating an attribute of a first artifact using the element module data; generating second artifact module data indicating an attribute of a second artifact to be linked with the first artifact; storing the first artifact module data and the second artifact module data in a searchable form; and generating image data of a scene connecting the first artifact and the second artifact by using the stored first artifact module data and the second artifact module data. Independent claims 16 and 17, as amended, recite a computer program and image processing apparatus of the same, respectively.

It is respectfully submitted that the Fredlund et al. patent does not disclose or suggest the image processing method, apparatus and computer program of the present invention. Rather, the Fredlund et al. patent merely discloses a method of combining at least one customer generated digital image to form a merged image and/or text with at least one prestored digital image. A design characteristic is determined from an item to be associated with the merged image. The customer generated digital image or the prestored digital image is modified in accordance with the design characteristic so as to form a first modified digital image that is then combined with the other of the customer generated digital image or the prestored digital image so as to form a newly merged digital image. Such does not disclose or suggest the image processing method, apparatus and computer program of the present invention, comprising in part, generating main material module data, generating sub material module data, generating processing apparatus module data and generating processing routine module data, as claimed.

Based upon the forgoing, Applicants respectfully submit that each and every element recited within independent claims 1, 16 and 17 is neither disclosed nor suggested by the Fredlund

et al. patent, and therefore patentable and in condition for allowance. Reconsideration is requested.

Dependent claims 4-5 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fredlund et al. patent in view of the Yamada patent (U.S. Patent No. 5,960,726). Dependent claims 4-5 and 20 depend from independent claims 1 and 17, respectively. The rejections are respectfully traversed and reconsideration is requested.

With reference to the above arguments concerning the independent claims, it is submitted that the Fredlund et al. patent and the Yamada patent, either alone or in the alleged combinations suggested by the Examiner in the Office Action, do not disclose or suggest the content of dependent claims 4-5 and 20. As noted above, the Fredlund et al. patent fails to disclose or suggest the image processing method and apparatus as claimed in the present invention. Nor does the Yamada patent, directed to an embroidery data processor for processing embroidery stitch data for forming embroidery stitches based on optional images, disclose or suggest the present invention as claimed. Rather, the Yamada patent merely discloses an embroidery data processing device for processing embroidery stitch data for forming embroidery stitches based on a desired pattern image, the embroidery data processor comprising image input means for inputting an image desired to be sewn as an embroidery; texture calculation means for determining a texture characteristic of the inputted image; and stitch format setting means for setting a stitch format, in which stitches are to be formed to reproduce the input image, based on the determined texture characteristic. Such does not disclose or suggest the image processing method and apparatus as claimed in the present invention. Moreover, there is no suggestion to combine the references, as suggested by the Examiner in the Office Action. It is therefore

submitted that dependent claims 4-5 and 20 are also patentable and in condition for allowance.

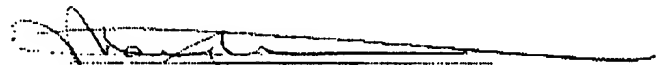
Reconsideration is requested.

It is further submitted that dependent claims 3-15 and 20 are also patentable and in condition for allowance due to their dependency upon independent claims 1 and 17, respectively, since the dependent claims differ in scope from the parent claims. Dependent claims 3-15 depend from independent claim 1 and dependent claim 20 depends from independent claim 17, and thus are further limited to additional features of the invention. Therefore, it is respectfully submitted that the dependent claims are patentable over the Fredlund et al. patent for at least the reasons set forth above with respect to independent claims 1 and 17, and further for the reasons as set forth above with respect to dependent claims 4-5, 8-9 and 20. Reconsideration is requested.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned counsel at the telephone number, indicated below, to arrange for an interview to expedite the disposition of this application.

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Respectfully submitted,



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